

HOUSE BILL 938

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By: **Delegates Rice, Ali, Bronrott, Feldman, Gilchrist, Gutierrez, Healey, Hixson, Hucker, Kramer, Kullen, Manno, Montgomery, Reznik, Tarrant, and Taylor**

Introduced and read first time: February 12, 2010

Assigned to: Health and Government Operations and Appropriations

A BILL ENTITLED

1 AN ACT concerning

2 **Developmental Disabilities Administration – Waiting List Equity Fund**

3 FOR the purpose of requiring the Governor to include in the annual budget bill a
4 certain appropriation for the Waiting List Equity Fund for providing at least
5 one community–based service to individuals eligible for those services from the
6 Developmental Disabilities Administration; prohibiting certain individuals from
7 being denied access to community–based services from the Developmental
8 Disabilities Administration within a certain period of time; and generally
9 relating to the Waiting List Equity Fund and community–based services
10 provided by the Developmental Disabilities Administration.

11 BY repealing and reenacting, with amendments,
12 Article – Health – General
13 Section 7–205
14 Annotated Code of Maryland
15 (2009 Replacement Volume)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article – Health – General**

19 7–205.

20 (a) (1) There is a continuing, nonlapsing Waiting List Equity Fund in the
21 Department of Health and Mental Hygiene.

22 (2) The purpose of the Waiting List Equity Fund is to ensure that:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) When individuals leave State residential centers, the net
2 average cost of serving them in the State residential center, as defined in subsection
3 (d)(2) of this section, shall follow them to community-based services; and

4 (ii) Any funds remaining after the individuals leaving State
5 residential centers are served, are used to provide community-based services to
6 individuals eligible for, but not receiving, the community-based services listed in
7 subsection (c) of this section.

8 (b) Subject to the appropriation process in the annual operating budget, the
9 Department shall use the Waiting List Equity Fund for providing community-based
10 services to individuals eligible for, but not receiving, services from the Developmental
11 Disabilities Administration.

12 (c) For individuals eligible for, but not receiving, services from the
13 Developmental Disabilities Administration in the Department, the Waiting List
14 Equity Fund shall be used to provide:

15 (1) Individualized supported living arrangements services;

16 (2) Respite care;

17 (3) Individual and family support services;

18 (4) Supported employment; and

19 (5) Individualized community integration day services.

20 (d) (1) Subject to [the appropriation process in the annual operating
21 budget] **PARAGRAPH (3) OF THIS SUBSECTION**, the Waiting List Equity Fund shall
22 consist of funds which are equal to the cost of providing services to an individual in a
23 State residential center for each fiscal year, or part of a fiscal year, that the individual
24 is no longer served in a State residential center and is provided community-based
25 services as defined in paragraph (2) of this subsection.

26 (2) In determining funding for the Waiting List Equity Fund, the cost
27 of providing services to an individual in a State residential center shall be calculated
28 by:

29 (i) Dividing the State residential center's appropriation by the
30 daily average census reported in the State residential center's annual operating
31 budget for the last full fiscal year the individual was served in the State residential
32 center prorated over the number of months the individual is served in the community;
33 and

34 (ii) Subtracting the following:

1 1. The average annual itemized expenses associated
2 with institutional services and administrative overhead costs that are demonstrated to
3 be directly attributable to serving individuals remaining in the State residential
4 center;

5 2. The cost for new admissions certified in accordance
6 with the provisions of §§ 7-502 and 7-503 of this title;

7 3. The cost for respite care in accordance with § 7-509 of
8 this title;

9 4. The cost for court-ordered commitments; and

10 5. Reimbursable federal revenues under TEFRA
11 attributable to direct client costs.

12 **(3) (I) THE GOVERNOR SHALL INCLUDE IN THE ANNUAL**
13 **BUDGET BILL AN APPROPRIATION TO THE FUND IN AN AMOUNT EQUAL TO AT**
14 **LEAST \$29,000 MULTIPLIED BY THE NUMBER THAT IS EQUIVALENT TO 90% OF**
15 **THE INDIVIDUALS ELIGIBLE FOR AT LEAST ONE COMMUNITY-BASED SERVICE**
16 **FROM THE DEVELOPMENTAL DISABILITIES ADMINISTRATION, AS DESCRIBED**
17 **IN SUBSECTION (C) OF THIS SECTION.**

18 **(II) ON OR AFTER JULY 1, 2011, THE AMOUNT**
19 **APPROPRIATED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE**
20 **ADJUSTED ANNUALLY FOR INFLATION IN ACCORDANCE WITH THE CONSUMER**
21 **PRICE INDEX.**

22 **(III) INDIVIDUALS ELIGIBLE FOR, BUT NOT RECEIVING, AT**
23 **LEAST ONE COMMUNITY-BASED SERVICE FROM THE DEVELOPMENTAL**
24 **DISABILITIES ADMINISTRATION MAY NOT BE DENIED ACCESS TO AT LEAST ONE**
25 **SERVICE FOR MORE THAN 1 FULL FISCAL YEAR.**

26 (e) (1) (i) The Department shall adopt regulations for the
27 management and use of the money in the Fund.

28 (ii) The regulations shall authorize the use of money in the
29 Fund to provide services to individuals:

30 1. Who are in crisis and need emergency services; and

31 2. Who are not in crisis and do not need emergency
32 services.

33 (2) The Waiting List Equity Fund may not be used to supplant funds
34 appropriated for:

1 (i) Emergency community placements; or

2 (ii) Transitioning students.

3 (f) (1) On or before January 1 of each year the Secretary shall prepare a
4 report to be submitted to the General Assembly and the Department of Legislative
5 Services on the Waiting List Equity Fund.

6 (2) The report shall include:

7 (i) An accounting of all receipts and expenditures to and from
8 the Fund;

9 (ii) The number of individuals who left and entered State
10 residential centers during the previous year;

11 (iii) The number of additional persons who were on the waiting
12 list for developmental disabilities services during the previous year; and

13 (iv) An accounting of each of the factors used in determining the
14 cost of providing services to an individual in a State residential center in accordance
15 with the provisions of subsection (d)(2) of this section.

16 (g) Any unspent portions in the Waiting List Equity Fund and any interest
17 earned on money in the Waiting List Equity Fund may not be transferred or revert to
18 the General Fund of the State, but shall remain in the Waiting List Equity Fund to be
19 used for the purposes specified in this section.

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 July 1, 2010.